

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

September 26, 2001

The Board of Education and the Board of Vocational Education met for the regular business meeting in Senate Room B at the General Assembly Building, Richmond, Virginia, with the following board members present:

Mr. Kirk T. Schroder, President
Ms. Susan T. Noble, Vice President
Mr. Mark C. Christie
Mrs. Diane T. Atkinson
Mrs. Audrey B. Davidson

Mrs. Susan L. Genovese
Mr. Scott Goodman
Dr. Gary L. Jones
Mrs. Ruby W. Rogers

Dr. Jo Lynne DeMary, Superintendent of
Public Instruction

Mr. Schroder, president, presided and called the meeting to order at 9:20 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Schroder asked for a moment of silence and led in the Pledge of Allegiance.

SWEARING-IN CEREMONY: NEW BOARD MEMBER, DIANE T. ATKINSON

Mrs. Diane T. Atkinson, former assistant superintendent for policy and public affairs at the Department of Education and advisor to the Superintendent of Public Instruction, was appointed by Governor Gilmore to the Virginia Board of Education, effective September 6, 2001. Mrs. Atkinson will serve an unexpired term, ending January 29, 2002, to succeed Jennifer Byler.

The Honorable Anne P. Petera, Secretary of the Commonwealth, administered the oath of office. Afterwards, Mrs. Atkinson made the following statement: "Thank you, friends and family, that came today. I want to introduce my husband, Frank, and my son, Paul. I have another son who is not here today. He is in middle school on alternating block and felt that he could not miss that much time in school this morning. I thought that was a very responsible move on his part. I am very cognizant of the responsibility of this role, and I plan to take that responsibility very seriously. I am also very cognizant of the person that I replaced and her commitment and hope that I can only show as much commitment as she did to public education. Thank you."

On behalf of the members of the Board of Education, Mr. Schroder extended their friendship and support to Mrs. Atkinson and escorted her to her seat on the podium.

APPROVAL OF THE MINUTES OF THE BOARD

Mrs. Genovese made a motion to approve the July 26, 2001 minutes of the Board of Education. The motion was seconded by Mrs. Rogers and carried unanimously. Copies of the minutes had been distributed previously to all members of the Board for review.

APPROVAL OF AGENDA

The following items were added to the consent agenda: *Item D, First Review for Approval of the Notice of Intended Regulatory Action (NOIRA) for Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits; Item E, First Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate New Regulations Governing Private Day Schools for Students with Disabilities; Item H, Second Review of Proposed Regulations Governing State-Funded Remedial Programs; Item I, Final Review of the Regulations Governing the Secondary School Transcript; Item K, Final Review of Proposed Board of Education Meeting Dates for January-November 2002; and Item M, First Review of Nominations for Appointments to the State Special Education Advisory Committee.*

Item R, First Review of Appointments to Vacancies on the Advisory Board on Teacher Education and Licensure, will be delayed until the October 22, 2001 Board meeting. *Item S, Final Review of a Request for Increased Graduation Requirements from the Arlington County Public Schools* was deleted from the agenda.

Dr. Jones requested time on the agenda to address some activities of the Accountability Advisory Committee.

Mrs. Davidson made a motion to approve the amended agenda. The motion was seconded by Mrs. Rogers and carried unanimously.

CONSENT AGENDA

Mrs. Genovese made a motion to approve the consent agenda. The motion was seconded by Mrs. Rogers and carried unanimously.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting list
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Fund

- Final Review for Approval of the Notice of Intended Regulatory Action (NOIRA) for Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits (8 VAC 20-350)
- Final Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate New Regulations Governing Private Day Schools for Students with Disabilities (8 VAC 20-670)
- Second Review of Proposed Regulations Governing State-Funded Remedial Programs (8 VAC 20-630)
- Final Review of the Regulations Governing the Secondary School Transcript (8 VAC 20-160)
- Final Review of Proposed Board of Education Meeting Dates for January-November 2002
- Final Review of Nominations for Appointments to the State Special Education Advisory Committee

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education's recommendation that funding for eighteen projects in the amount of \$47, 032, 906 be released and funding for nine projects in the amount of \$48, 513,000 be deferred and the projects placed on the First Priority Waiting List was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Smyth County	Chilhowie Elementary	\$2,593,511.00
Smyth County	Chilhowie Middle/High	2,238,759.00
Hanover County	Patrick Henry High	2065,000.00
Washington County	Wallace Middle	439,704.00
Washington County	Glade Spring Middle	139,220.00
Washington County	High Point Elementary	279,506.00
Washington County	Abingdon Elementary	302,206.00
Roanoke City	Fishburn Park Elementary	3,000,000.00
Roanoke City	Fairview Elementary	2,750,000.00
Smyth County	Marion Intermediate	125,000.00
Culpeper County	F. T. Binns Middle	7,500,000.00
Culpeper County	Culpeper High	7,500,000.00
Roanoke County	South County High	7,500,000.00
Essex County	Tappahannock Elementary	4,600,000.00
Portsmouth City	New John Tyler Elementary	4,000,000.00
Chesapeake City	Great Bridge Intermediate	520,000.00
Chesapeake City	Butts Road Intermediate	740,000.00
Chesapeake City	Greenbrier Intermediate	740,000.00
	TOTAL	\$47,032,906.00

First Priority Waiting List

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Frederick County	Frederick County 3 rd High	\$4,355,000.00
Powhatan County	Powhatan County High	7,500,000.00
Hanover County	New Hanover High	7,500,000.00
King William County	New King William Primary	7,500,000.00
Wythe County	Spiller Elementary	3,750,000.00
Rockingham County	Ottobine Elementary	1,418,000.00
Rockingham County	Fulks Run Elementary	1,490,000.00
Nelson County	New Nelson Middle	7,500,000.00
Nelson County	Nelson High Addition	7,500,000.00
	TOTAL	\$48,513,000.00

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation for approval of nine new applications in the amount of \$48,513,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, Code of Virginia, was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Frederick County	Frederick County 3 rd High	\$4,355,000.00
Powhatan County	Powhatan County High	7,500,000.00
Hanover County	New Hanover High	7,500,000.00
King William County	New King William Primary	7,500,000.00
Wythe County	Spiller Elementary	3,750,000.00
Rockingham County	Ottobine Elementary	1,418,000.00
Rockingham County	Fulks Run Elementary	1,490,000.00
Nelson County	New Nelson Middle	7,500,000.00
Nelson County	Nelson High Addition	7,500,000.00
	TOTAL	\$48,513,000.00

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation for approval of the financial report on the status of the Literary Fund as of June 30, 2001 was accepted by the Board of Education's vote on the Consent agenda.

Final Review for Approval of the Notice of Intended Regulatory Action (NOIRA) for Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits

The Department of Education's recommendation that the Board of Education waive first review and approve the Notice of Intent Regulatory Action (NOIRA) to initiate the Administrative Process Act (APA) and the Executive Order Process (EOP) for revising regulations was accepted by the Board of Education's vote on the consent agenda.

Final Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate New Regulations Governing Private Day Schools for Student with Disabilities

The Department of Education's recommendation that the Board waive first review and approve the Notice of Intent Regulatory Action (NOIRA) to initiate the Administrative Process Act (APA) and the Executive Order Process (EOP) for revising regulations was accepted by the Board of Education's vote on the consent agenda.

Second Review of Proposed Regulations Governing State-Funded Remedial Programs

The Board of Education, by its action on the consent agenda, directed that the proposed Regulations for State-Funded Remedial Programs be subject to an additional 30-day comment period. The Board requested that the public be notified of the 30-day comment period extension.

Final Review of Regulations Governing the Secondary School Transcript

The Department of Education's recommendation that the Board adopt the proposed amended regulations governing the Secondary School Transcript was accepted by the Board of Education's vote on the consent agenda.

Final Review of Proposed Board of Education Meeting Dates for January-November 2002

The 2002 meeting dates of the Board were accepted by the Board of Education's vote on the consent agenda. They are as follows:

Thursday, January 10, 2002
Thursday, February 28, 2002
Wednesday, March 27, 2002
Wednesday-Friday, April 24-26, 2002
Thursday, May 23, 2002
Thursday, June 27, 2002
Thursday, July 25, 2002
Thursday, September 26, 2002
Thursday, October 17, 2002
Thursday, November 21, 2002

Final Review of Nominations for Appointments to the State Special Education Advisory Committee

The Department of Education's recommendation that the Board waive first review and appoint the following individuals to the State Special Education Advisory Committee:

- Sharon Bishop Stacy (person with a disability) to replace Jennifer Thornburg and complete the unexpired term ending June 30, 2004
- Keven Sutherland (institution of higher education) to replace Frederick Brigham and complete the unexpired term ending June 30, 2003
- Kathleen Gannon Tye (representative of private schools) to replace Barbara Johnston and complete the unexpired term ending June 30, 2004

RESOLUTIONS AND RECOGNITIONS

The Board of Education presented the following Resolutions of Recognitions:

- A Resolution of Recognition was presented to Dr. Wayne D. Lett, Superintendent of Newport News Public Schools and the Virginia 2001 Superintendent of the Year
- A Resolution of Recognition was presented to Dr. Daniel Domenech as the first recipient of the Board of Education Leadership in Arts Instruction Award

ACTION/DISCUSSION ON REGULATIONS OF THE BOARD OF EDUCATION

First Review of Proposed Permanent Regulations Governing Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan

This item was presented by Dr. Thomas Elliott, assistant superintendent for teacher education and licensure at the Department of Education. House Bill 1404 of the 2000 General Assembly required the Board of Education to promulgate regulations within 280 days of the bill's enactment. Therefore, emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program were approved and became effective March 6, 2001. On April 26, the Board approved the NOIRA to promulgate permanent regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan. These regulations have been designed to address the General Assembly requirements relative to the awarding of teacher scholarships, as well as 2001 legislation that permits retired teachers and administrators to return to work in critical shortage areas without jeopardizing their retirement benefits.

Dr. Elliott explained that the Virginia Teaching Scholarship Loan Program was reinstated by the 1995 Session of the Virginia General Assembly. Funding in the amount of \$300,000 was appropriated for each year of the 1996-1998 biennium to provide scholarships as incentives to students preparing to teach in critical teacher shortage areas in Virginia. The funding was continued for the 1998-2000 biennium. The Department of

Education has awarded a \$3,000 scholarship to 100 students each year from 1996 to the present.

The 2000 General Assembly Session increased each scholarship to \$3,720 and the overall allocation was increased from \$300,000 to \$558,000 for each year of the 2000-2002 biennium. In addition, sophomore and part-time students became eligible for the scholarship program. An additional \$5,000 was appropriated for the first year of the biennium for the Department of Education to provide outreach materials to promote the Virginia Teaching Scholarship Loan Program at colleges and universities.

After a brief discussion, Mrs. Genovese made a motion to strike the following language as proposed in 8 VAC20-650-20 in section 1.a.: *For the current school year, the disciplines are special education; mathematics; sciences; technology education; mathematics; library media; foreign languages; English as a Second Language; work and family studies; agricultural education; and the reading specialist endorsement area.* The motion was seconded by Mrs. Davidson and carried unanimously. The Board also waived first review.

Mrs. Rogers made a motion to approve the proposed *Regulations Governing the Determination of Critical Teacher Shortage Areas* and authorize the Department of Education to continue the procedures of the Administrative Process Act. The motion was seconded by Ms. Noble and carried unanimously.

First Review of Proposed Amendments to the Board of Education's Bylaws

Mr. Dan Timberlake, assistant superintendent for finance at the Department of Education, presented this item. Pursuant to the Constitution of Virginia, the Board of Education has primary responsibility for determining the Standards of Quality. Mr. Timberlake referred specifically to Article VIII, Section 2, *Constitution of Virginia*. The Standards of Quality exist as statutory law, Sections 22.1-253.13:1 through 22.1-253.13:8, *Code of Virginia*. Consequently, any changes in the Standards prescribed by the Board of Education must be submitted to the General Assembly to be introduced as legislation.

The Standards of Quality prescribe the foundation education program that school divisions must offer, and they form the basis upon which the majority of public education funding is determined. Any changes to the Standards must be made consistent with the state's budgetary process to ensure that funding is provided to fully support the Standards of Quality.

Mr. Timberlake explained that the proposed amendments to the Board of Education's Bylaws formalize the Board's intent to establish a regular cycle for reviewing the Standards of Quality. The proposed cycle would make the Board's review and revision of the Standards consistent with the process for amending state law and the state budget.

Final review of the proposed amendments will occur at the October 22, 2001 meeting of the Board of Education.

Presentation by Representatives of Virginia CARES: Guiding Principles

Mrs. Lucy Beauchamp, chair, Prince William County School Board, and representatives of Virginia CARES, presented this item. The representatives attending the meeting were Dr. Edward Kelly, Prince William County Schools; Dr. Jim Blevins, Bedford County Schools; and Kevin Deckert, analyst for Fairfax County Public Schools. At the July 26, 2001, meeting of the State Board of Education, Virginia CARES was asked to present a set of Guiding Principles for the Board to review.

The Executive Committee of Virginia CARES presented the following Proposed Guiding Principles for State Education Funding:

Equity

1. Funding formulas should be fair to all affected students. A primary objective of formula design should be to ensure access to equal educational opportunities by all Virginia students.
2. Funding formulas should be fair to all Virginia taxpayers. A key factor in formula design should be to ensure that each citizen, exerting a given level of tax effort, can support local student access to a high quality education.
3. Funding formulas should make use of a composite index to provide an accurate measure of each locality's relative ability to pay.
4. Funding formulas should be designed to prevent any political subdivision from obtaining a relative advantage by reducing local tax effort.
5. Funding formulas should ensure that the Commonwealth pays its fair share of compliance costs for all applicable state and federal mandates.

Adequacy

1. Resources to be funded should be determined in the context of relevance to pursuit of the Commonwealth's educational goals and standards.
2. Funding formulas should include capitol costs necessary to support effective school operations.
3. Policymakers who impose expectations and goals are obligated to ensure the availability of conditions and tools that will provide every student with an opportunity to learn. Reviews should be conducted regularly to identify the necessary resources.
4. The Standards of Quality must be realistic in relation to current practice. Orderly, periodic reviews of prevailing educational practices across the Commonwealth should be conducted to ensure that the Standards of Quality are current.

5. The estimate of the cost of the Standards of Quality must be realistic in relation to current costs of education. The marketplace should be considered the most reliable mechanism for determining such costs.

Accountability

1. Clear, measurable educational goals and objectives expected of students should serve as the basis for an adequate school finance system.
2. Children's educational needs should be determined based upon quality research. Ongoing state and local research should be encouraged to develop improved instruction.
3. How money is spent, and to what effect, is as important as how much is spent. A system of accountability should be established and maintained.
4. Periodic cost benefit analyses should be prepared to compare actual results to original objectives for significant state programmatic mandates.

Procedural Efficiency

1. When the Standards of Learning or Accreditation are revised, a review should be conducted to determine whether a change to the Standards of Quality is appropriate.
2. When revisions to the Standards of Quality are contemplated, an estimate of the state and local cost impacts should be prepared. The process of developing the estimate should incorporate suitable input from local school divisions to ensure that all ramifications are anticipated. When revisions to the Standards of Quality are enacted, appropriate changes to funding formulas should be made to enable timely, universal implementation.
3. Predictable revenue streams should be established to promote long-range stability.
4. Processes used to report data and calculate funding allocations should be designed to minimize administrative costs.

The following Board members will work with Mr. Schroder and DOE staff to draft a set of proposed guiding principles for the Board's first review at the October meeting: Mrs. Atkinson, Mr. Goodman, Dr. Jones, and Mrs. Genovese.

Report from the Board of Education Accountability Advisory Committee

Dr. Gary L. Jones and Dr. Mark A. Edwards, co-chairs of the Accountability Advisory Committee, presented this item. The Accountability Advisory Committee would like the Board to consider a consequential validity study of the SOL.

Dr. Jones explained that a consequential validity study would need to address process issues as well issues related to the end results. Dr. Jones noted that the Accountability Advisory Committee unanimously passed a recommendation that the Board of Education pursue a consequential validity study undertaken by an independent, non-profit, non-partisan third party. There still are questions that need to be addressed as to the cost and funding of the study. Dr. Mark Edwards said that for the consequential validity study to be useful, it has to happen quickly in order to have something to use for improvement for next year.

Mr. Schroder said that in addition to the budget issues, there are other issues that need to be considered. Mr. Schroder urged the Accountability Advisory Committee to thoroughly examine those issues with the help of expert review before recommendations come before the Board.

First Review of Proposed Regulations Governing Pupil Transportation

Mr. Dan Timberlake presented this item. The Regulations for Governing Pupil Transportation have not been revised since 1994. Since that time, statutory provisions addressing the content of the regulations have been enacted or amended resulting in inconsistent or conflicting requirements. Federal standards addressing bus equipment and construction have, in some instances, changed significantly. Under the current regulations, school divisions are not able to use some of the equipment that is permitted under federal standards.

The Board of Education gave the department approval to begin the regulatory revision process at its July 27, 2000, meeting. Since that time, the Notice of Intended Regulatory Action (NOIRA) process has been completed, and the Board of Education is now to begin proposing revisions to the regulations.

Mrs. Atkinson made a motion to amend the proposed language in section 8 VAC 20-70-420 to read as follows: *The Department of Education shall issue guidelines on the specifications and standards for public school buses to reflect any desired technology or safety improvements for the then current model year.* The motion was seconded by Mr. Goodman and carried unanimously.

Mr. Goodman made a motion to include the following amendment in the proposed language in section 8 VAC 20-70-250, B.: Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, *convicted of a charge of refusing to take a blood or breath test*, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to section 18.2-271.1, Code of Virginia or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or has not been required to attend a driver improvement clinic by the Commissioner of

the Department of Motor Vehicles pursuant to section 46.2-498, Code of Virginia. The motion was seconded by Mrs. Genovese and carried unanimously.

Ms. Noble made a motion to waive first review and authorize the department to proceed with the next steps of the process under the Administrative Process Act. The motion was seconded by Mrs. Rogers and carried unanimously.

First Review of the Plan for the Board of Education's Annual Report to the Governor and the General Assembly

Dr. Cynthia Cave, director of policy at the Department of Education, presented this item. Section 22.1-22.1-18 of the *Code of Virginia* requires the Board of Education to provide an annual report to the Governor and General Assembly on the needs of public education in the Commonwealth of Virginia. It is proposed that the Board of Education's report include a compendium of the sections that the Board has taken to address issues on public education during the past four years.

The Board adopted the work plan for the proposed annual report and requested that the staff work on the annual report continue as outlined in the work plan.

First Review of Report to the Governor and the 2002 General Assembly Concerning Recommendations from House Joint Resolution 640

Mr. Doug Cox, assistant superintendent for instructional support services at the Department of Education, presented this item. House Joint Resolution 640, adopted by the 2001 General Assembly, requests the Board of Education to review, consider, and address certain recommendations of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs. This joint subcommittee was appointed by the 2000 General Assembly. Department of Education staff attended each meeting held during the two-year study period and provided information as requested. House Joint Resolution 640 contains specific recommendations to the Board of Education to alleviate the disproportionate representation of African-American and other minority students in special education programs. The resolution requires a report of the Board of Education's findings and recommendations to the governor and the 2002 Session of the General Assembly.

House Joint Resolution 640 requested that the Virginia Board of Education review and consider the following recommendations:

1. Monitor and report annually to the Governor and the General Assembly information concerning the number of African-American and other minority students in special education and the number of school divisions identified as having a disproportionate enrollment of minority students in special education.

2. Disseminate information to parents concerning the right to withdraw consent for placement of their children in special education.
3. Encourage school divisions to provide training to teachers in the identification of students with disabilities as part of continuing professional development opportunities.
4. Provide cultural competency training to school division personnel.
5. Continue to provide programmatic and fiscal support for the development of building level instructional support teams.
6. Continue to provide programmatic and fiscal support to parent resource centers.

The report was received for first review and final action will be taken at the October meeting.

First Review of Revised Mathematics Standards of Learning

Dr. Patricia Wright, assistant superintendent for instruction at the Department of Education, presented this item. Dr. Wright acknowledged the assistance of the following persons from her staff: Maureen Hjar, director of middle instruction; Dr. Wendy Geiger, mathematics specialist, Middle School Instruction; and Deborah Lyman, mathematics specialist, Secondary Instruction.

In September 2000, the Board of Education established a schedule for the review and revision of all Standards of Learning. The Mathematics Standards of Learning were designated to be reviewed and revised as determined necessary, by the end of the 2001-2002 academic year. In May 2001, Superintendent's Memo No. 68 was issued to division superintendents announcing an on-line review of the 1995 Mathematics Standards of Learning. The purpose of the on-line review was to encourage and solicit broad-based input on the desired revisions to the standards before review committees were convened. A copy of the Standards of Learning were posted on the Department of Education web site with comment boxes for suggestions/feedback on each standard. General comments on the standards were also encouraged.

The on-line review and the on-site review identified minimal changes to the 1995 Mathematics Standards of Learning. The draft of the proposed revised Standards of Learning for mathematics reflects these recommendations. The recommended revisions reflect the original Standards of Learning criteria (academic, rigorous, measurable, and jargon free), provide clarity, and address identified gaps in scope and sequence.

Mrs. Davidson made a motion to waive first review and approved the draft to go out for public review. Mrs. Rogers seconded the motion.

First Review of 2002-2004 Biennial Budget for Direct Aid to Public Education

Mr. Dan Timberlake presented this item. The 2002-2004 budget for Direct Aid to Public Education was presented to the Board of Education for first review. The changes in funding represent technical revisions in the budget only. They do not reflect any changes in policy. The budget figures represent the cost of continuing the current programs with the required revisions and updates to input data using the existing funding methodologies.

The 2002-2004 Direct Aid to Public Education budget approved by the Board will be sent to the Governor for action and for inclusion in his budget for the 2002-2004 biennium. This budget will establish the level of state funding required by the foundation program established in the Standards of Quality and all other state supported elementary and secondary programs in Virginia's public schools. The proposed general fund budget revised only for technical changes totals \$8.3 billion in the 2002-2004 biennium. This total exceeds the base budget target provided by the Department of Planning and Budget by approximately \$411.9 million for the 2002-2004 biennium.

The Board received the report for first review.

Final Review of the Definitions of Low-Performing and At-Risk of Becoming Low-Performing Institutions of Higher Education

Dr. Thomas Elliott presented this item. The U. S. Congress enacted Title II of the Higher Education Act (HEA) in October 1998, as a response to its concern regarding the quality of teacher preparation. Title II authorizes new federal grant programs that support the efforts of states, institutions of higher education, and their school district partners to improve the recruitment, retention, preparation, and support of new teachers. Title II also includes new accountability measures in the form of reporting requirements for institutions and states on teacher preparation and licensing. Section 207 of Title II requires the annual preparation and submission of three reports on teacher preparations and licensing: one from institutions to states, a second from states to the U.S. Secretary of Education, and a third from the Secretary to Congress and the public. The Virginia Plan for Title II Reporting Requirements of the Higher Education Act (Sections 207 and 208) was approved by the Board of Education on September 28, 2000.

Ms. Noble made a motion to approve the definitions of "low-performing" and "at-risk of becoming low-performing" institutions of higher education in Virginia, beginning with approved program reviews on July 1, 2003. The motion was seconded by Mrs. Genovese and carried unanimously.

Report on the Statewide Pass Rates for the Spring 2001 Standards of Learning Tests

Ms. Shelly Loving-Ryder, assistant superintendent for assessment and reporting at the Department of Education, presented this item. The SOL tests were administered

in the spring of 2001 to Virginia students in grades 3, 5, and 8 and to those enrolled in certain high school courses. This report represents the percentage of students passing each of the 28 SOL tests.

The report for the statewide pass rates from 2000 to 2001 shows an increase in 25 of the 28 tests. The most dramatic increase in pass rates is in end of course mathematics. There was a nine-point increase in the pass rate for Algebra I and a sixteen-point pass rate for Algebra II, and a six-point increase in pass rate for Geometry.

The report on the percent of students passing SOL grade level tests 1998-2001, by Ethnicity shows that significant progress has been made in closing the gap between the performance African American students and white students. African American students had an increase in 25 of the 28 tests. In 23 of the 28 test the improvement of African American students surpassed that of white students.

The report on statewide passing rate by gender shows an improvement in math and science by female students. The statewide passing rates on non-LEP and LEP shows an increase of 25 of the 28 tests of LEP students. The statewide pass rates on non-disabled and disabled students shows and increase of pass rate in 24 of the 28 tests.

The Board received the report and thanked Mrs. Loving-Ryder for her work in this regard.

PUBLIC COMMENT

No one spoke during public comment.

DISCUSSION OF CURRENT ISSUES

Dr. DeMary requested and was given approval by the Board for the Adult Education Advisory Committee to report at the October meeting.

Mr. Schroder requested the Board to authorize the staff to bring back recommendations to the October meeting for a timetable to address the remaining SOL that have not been reviewed by the Board with respect to school counselors.

EXECUTIVE SESSION

Ms. Noble made a motion to go into executive session under Virginia Code section 2.1-3-44 A.1 specifically to discuss personnel matters related to licensure. Mrs. Rogers seconded the motion. And carried unanimously. The Board adjourned for Executive Session at 1:25 p.m.

Mr. Schroder made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Rogers and carried unanimously. The Board reconvened at 2:50 p.m.

Mr. Schroder made a motion that the Board certify by roll call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board. The motion was seconded by Mrs. Genovese and carried unanimously.

Board Roll Call:

Mr. Schroder - Yes	Mr. Christie - Yes
Mrs. Rogers - Yes	Mrs. Davidson - Yes
Mrs. Genovese - Yes	Mrs. Atkinson - Yes
Mr. Goodman - Yes	

Mr. Christie made a motion that the Board of Education take the following actions relative to the licensure cases presented during the executive session:

Case #1, that the Board approve issuance of the license. The motion was seconded by Mrs. Genovese and carried with a vote of 7 to 1. Mr. Goodman voted "no".

Case #2, that the Board approve the license renewal. The motion was seconded by Mrs. Rogers and carried unanimously.

Case #3, that the Board approve the issuance of the license. The motion was seconded by Mr. Goodman and carried unanimously.

Case #4, that the Board revoke the license. The motion was seconded by Mrs. Genovese and carried unanimously.

ADJOURNMENT

There being no further business with the Board of Education and Board of Vocational Education, Mr. Schroder adjourned the meeting at 3:00 p.m.

President

Secretary